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9
10 IN THE UNITED STATES DISTRICT COURT
11 EASTERN DISTRICT OF WASHINGTON

12 UNITED STATES OF AMERICA,

13 1:21-CR-02053-SAB

14 Plaintiff,

15 vs.
16 UNITED STATES' PROPOSED
17 ADDITIONAL FINAL JURY
18 INSTRUCTION

19 DAVID ELMO CURRY,

20 Defendant.

21 Plaintiff, United States of America, by and through Vanessa R. Waldref, United
22 States Attorney for the Eastern District of Washington, and Michael D. Murphy,
23 Assistant United States Attorney for said district, and hereby submits the following
24 Proposed Additional Final Jury, with and without citations.

Proposed Additional Instruction No. 1

Government's Use of Undercover Agents

You have heard testimony from an undercover agent who was involved in the government's investigation in this case. Law enforcement officials may engage in stealth and deception, such as the use of informants and undercover agents, to investigate criminal activities. Undercover agents may use false names and appearances and assume the roles of members in criminal organizations.

Ninth Circuit Model Jury Instruction – 3.10 (2023) (modified); *United States v. Winslow*, 962 F.2d 845, 848 (9th Cir. 1992), as amended (May 14, 1992) (“In light of the appellants’ insinuations that the government and Valentino acted improperly, the district court did not abuse its discretion by giving the undercover agent instruction to help the jury understand the nature of undercover police work.”).

Instruction No.

You have heard testimony from an undercover agent who was involved in the government's investigation in this case. Law enforcement officials may engage in stealth and deception, such as the use of informants and undercover agents, to investigate criminal activities. Undercover agents may use false names and appearances and assume the roles of members in criminal organizations.

1 DATED this 5th day of December, 2023.

2 VANESSA R. WALDREF
3 United States Attorney

4 s/Michael D. Murphy
5 MICHAEL D. MURPHY
6 Assistant United States Attorney

1 I hereby certify that on December 5, 2023, I electronically filed the foregoing
2 with the Clerk of the Court using the CM/ECF System which will send notification of
such filing to the counsel of record in this case.

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4
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